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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on

July 14, 2004
Paula Kiser
Paula Kiser

Practitioner's Docket No. 2001-0128.00

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Brian C. Hart et al. : Paper No. _____
Application No.: 09/929,849 : Group No.: 1763
Filed: August 14, 2001 : Examiner: Culbert, Roberts P.

For: **METHOD FOR MAKING INKJET PRINTHEADS**

**Mail Stop Issue Fee
Commissioner for Patents
Alexandria, Virginia 22313-1450**

**CONSIDERATION OF PRIOR FILED INFORMATION DISCLOSURE
STATEMENT**

Dear Sir:

On August 14, 2001, with the original application papers, Applicants submitted a form PTO/SB/08A and a form PTO/SB/08B, along with copies of the material listed therein. Although the office returned a signed and initialed copy of the form PTO/SB/08A, Applicants do not see in their file that an initialed copy of the form PTO/SB/08B was returned by the office. Applicants presume this material was considered and that the failure to return the initialed form was merely a clerical error.

Nevertheless, as the Applicants believe this submission was in compliance with 37 CFR 1.97, in accordance with MPEP Section 609 C(2), Applicants request that the Examiner return a copy of the PTO/SB/08B with his initials placed adjacent to the citations in order to confirm that the submitted references were considered. For

the convenience of the Examiner, a copy of the PTO/SB/08B, as filed on August 14, 2001, is submitted herewith (along with a copy of the postcard returned by the Office indicating its receipt, and other related application papers). Copies of the materials listed therein were submitted on August 14, 2001. If the Examiner requires a second set of the references, please contact the undersigned attorney.

Applicants also wish to call to the Examiner's attention that it does not appear that an initialed copy of the PTO/SB/08A that was submitted with the Information Disclosure Statement filed on December 31, 2002 has likewise been returned. In particular, on February 4, 2003, it appears that the office mailed a paper indicating that this statement failed to comply with the provisions of 37 CFR 1.97 (c), because it purportedly lacked a statement as specified in 37 CFR 1.97(e) and the fee set forth in 37 CFR 1.17(p). From the undersigned's review of the Applicants' file, it appears that Applicants' attorney, Ms. Jacqueline Daspit, telephoned the Examiner, wherein the Examiner apparently agreed that, since a non-final action had been mailed, the PTO/SB/08A would be considered. Confirmation of this discussion is evidenced by the notes of Ms. Daspit on the front page of the paper mailed on February 4, 2003 (copy enclosed). Unfortunately, it does not appear that an initialed copy of the SB/08A form was actually ever returned.

Presumably, the Examiner has already considered the reference listed in the form SB/08A submitted by the Applicants on December 31, 2002, and a copy of the same, with the citation initialed by the Examiner, was not mailed because of a mere clerical error. Nevertheless, regardless of the Examiner's agreement with Ms. Daspit on February 26, 2003, Applicants believe the submission of December 31, 2002, was in compliance with 37 CFR 1.97 and, in accordance with MPEP Section 609 C(2), Applicants request that the Examiner return a copy of the PTO/SB/08B with his initials placed adjacent to the citation in order to confirm that the submitted reference was considered.

In particular, for example, the form SB/08A and accompanying papers were mailed with a proper certificate of mailing on December 31, 2002. The return postcard indicates that a filing date of December 31, 2002 was stamped by the Patent Office (copy enclosed). Accordingly, as Applicants' papers properly authorized

payment of the fee under 37 CFR 1.17(p), no statement was therefore required by 37 CFR 1.97(c).

To the extent that the undersigned is incorrect in his assumption that the listed reference has already been considered, and the office needs another copy of the reference, please do not hesitate to contact the undersigned. Finally, if any fees might be required in connection with this communication, they may and should be charged to Deposit Account No. 12-1213.

Respectfully submitted,
BRIAN C. HART ET AL.

A handwritten signature in black ink, appearing to read "Scott N. Barker", written over a horizontal line.

Scott N. Barker
Registration No. 42,292
Lexmark International, Inc.
Intellectual Property Law Department
740 West New Circle Rd.
Lexington, KY 40550
USA
859-232-3668
Customer No. 21972



02-07-03P01:39 RCVD

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,849	08/14/2001	Brian Christopher Hart	2001-0128.00	9848

21972 7590 02/04/2003

LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON, KY 40550-0999

EXAMINER

CULBERT, ROBERTS P

ART UNIT

PAPER NUMBER

1763

7

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

2/20/03 - H. Culbert
will be considered
b/c under no final OA
as a result of Response filed
02/03.
JH

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Patent and Trademark Office

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
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7

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Commissioner of Patents and Trademarks

The information disclosure statement filed 1/24/03 fails to comply with the provisions of 37 CFR 1.97(c) because it lacks a statement as specified in 37 CFR 1.97(e), and the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered as to the merits.

Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 C(1).

[Handwritten signature]

EXAMINER
1-703-308-2333

1-703-308-2333

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PLEASE ACKNOWLEDGE & RETURN TO US:

Date Mailed 12/31/02

- ☒ Transmittal of Information Disclosure Statement
- ☒ Information Disclosure Statement
- ☒ Copies of all References Cited
- ☐ Statement for Information Disclosure Under 35 C.F.R. 1.97(e)



Docket No.: 2001-0128.00 Appl. Re: Hart et al.
Title: Method for Making Ink Jet Printheads

Serial No.: 09/929,849 Filing Date: 08/14/2001

Attorney: Jacqueline M. Dasgupta 26-779

Express Mail No. EU318635104US

~~DT07-R008-PCT/PTO~~ 31 DEC 2002



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FROM: (PLEASE PRINT) PHONE (859) 332-7843 Jacqueline M. Gault Lexmark International, Inc. Intellectual Property Law 740 West New Circle Road Lexington, KY 40550 2001-0128.06 G.S.		TO: (PLEASE PRINT) PHONE () Box PCT Assistant Commissioner for Patents Washington, D.C. 20231 01-02-03A11:53 RCVD	
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Practitioner's Docket No. 2001-0128.00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hart, Brian Christopher, Shauna Marie Leis and Gary Raymond Williams

Application No.: 09/929,849

Group No.: 1733

Filed: August 14, 2001

Examiner: Culbert, RP

For: Method for Making Ink Jet Printheads

Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING DATE OF EITHER A FINAL ACTION
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))

TIME OF TRANSMITTAL OF ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either

- (1) a final action under § 1.113 or
(2) a notice of allowance under § 1.311

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whichever occurs first.

FEE

2. Accompanying this transmittal is the fee for submission of an information disclosure statement under section 1.97(c). (\$180.00)

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is *optional*.)

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37 C.F.R. § 1.10*

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TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 12/31/02

Signature

Amy R. LeMay

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE PAYMENT

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$180.00

METHOD OF PAYMENT OF FEE

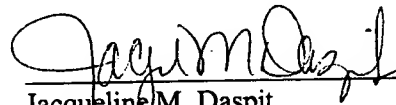
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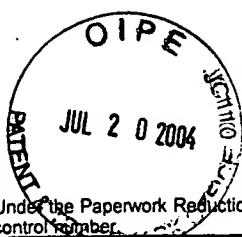
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known			
		Application Number	09/929,849		
		Filing Date	08/14/2001		
		First Named Inventor	Brian Christopher Hart		
		Art Unit	1733		
		Examiner Name	Culbert, RP		
Sheet	1	of	1	Attorney Docket Number	2001-0128.00

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US- 4,254,197	03/03/1981	Miura et al.	
		US-			
		US-			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Documents, or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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DATE MAILED: 08-14-01

☒ Application

☒ Declaration

☒ Assignment

☒ Drawings-Formal/Informal

☐ Missing Parts

☐ Amend-ment-Spec/Claims/Drawings

☒ Information Disclosure

☐ Extension of Time

☐ Issue Fee

☒ Deposit Acct Form in Duplicate

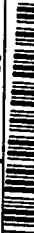
Docket NO.: 2001-0128.00

OTHER: J1050 U.S. PTO

In Re Appln. of: BRIAN C. HART ET AL.

09/929849

Title: METHOD FOR MAKING INKJET PRINTHEADS



08/14/01

Total Pgs of Spec: 13 No. of Claims 19 Pgs. of Drawings: 3

Serial No.:

Filing Date:

Attorney: MICHAEL T. SANDERSON 43,082



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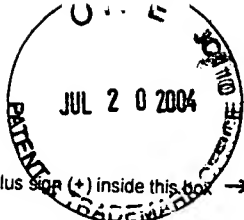
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 2001-0128.00

First Inventor or Application Identifier Brian Christopher Hart

Title Method for Making Inkjet Printheads

Express Mail Label No. EK195232433US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ * Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages 13]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
4. Oath or Declaration [Total Pages 3]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 16 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting
inventor(s) named in the prior application,
see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

NOTE FOR ITEMS 1 & 13 IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

5. ☐ Microfiche Computer Program (Appendix)
6. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy (identical to computer copy)
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

7. ☒ Assignment Papers (cover sheet & document(s))
8. ☐ 37 C.F.R. § 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
9. ☐ English Translation Document (if applicable)
10. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
13. ☐ * Small Entity Statement(s) ☐ Statement filed in prior application
(PTO/SB/09-12) ☐ Status still proper and desired
14. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
15. ☐ Other: _____

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

Prior application information: Examiner _____

of prior application No: _____

Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

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Michael T. Sanderson

Registration No. (Attorney/Agent)

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Michael T. Sanderson

Date

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known			
		Application Number			
		Filing Date			
		First Named Inventor	Brian Christopher Hart		
		Group Art Unit			
		Examiner Name			
Sheet	1	of	1	Attorney Docket Number	2001-0128.00

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		IBM TECHNICAL DISCLOSURE BULLETIN, "Inhibiting Adhesion of Silicon Particles to the Surface of a Silicon semiconductor Wafer During Laser dicing," (September 7, 1972).	
		IBM TECHNICAL DISCLOSURE BULLETIN, "Coating protection for Laser Cutting and Welding Operations," (January 7, 1976).	
		IBM TECHNICAL DISCLOSURE BULLETIN, "Substrate Protective Coating Process," (November 7, 1978).	
		POLYM.-PLAST. TECHNOL. ENG., 32 (1&2) 123-138 (1993), "Rheology of Water-Soluble Polymers: A comparative Study on the Effect of Monovalent Salt"	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

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¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

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